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97TH CONGRESS
2d Session

SENATE

REPORT
No. 97-491

EMERGENCY SERVICES IMPROVEMENT ACT OF 1982

JULY 1 (legislative day, JUNE 8), 1982.—Ordered to be printed

Mr. ROTH, from the Committee on Governmental Affairs, submitted the following

REPORT

[To accompany S. 2625]

The Committee on Governmental Affairs, to which was referred the bill S. 2625, the "Emergency Services Improvement Act of 1982" which would amend the Federal Property and Administrative Services Act of 1949 to make federal surplus property more accessible to local emergency preparedness and volunteer firefighting organizations and would authorize and direct the Federal Emergency Management Agency to recommend available federal surplus property to the Administrator of the General Services Administration for transfer to such organizations, having considered the same reports favorably thereon and recommends that the bill, without amendment, do pass.

DESCRIPTION OF THE LEGISLATION

S. 2625 is intended to improve the availability of surplus federal property to State and local emergency services organizations by establishing emergency preparedness as an important national priority. The legislation amends the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) to include civil defense and emergency preparedness as a priority need recognized under section 484(J) of that Act. Currently, section 484(J) of the Act provides that military education programs have special priority for surplus personal property in the Defense Department. The amendments contained in S. 2625 would add civil defense as a second priority and require the Department of Defense to review the emergency preparedness and civil defense needs of the nation as well as the special needs of military education programs before declaring any personal property under its control surplus.

The provisions of the Emergency Services Improvement Act also contain requirements to ensure that civil defense and emergency pre-

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paredness needs are recognized throughout the federal government by requiring the Director of the Federal Emergency Management Agency (FEMA) to continually review available surplus federal personal property and advise the Administrator of the General Services Administration (GSA) and the Secretary of Defense whenever he has identified usable property, suitable for civil defense and emergency preparedness programs at the State and local level. FEMA would be required to develop, through its regional offices and those of other federal agencies, an effective program to screen available federal property and the Secretary of Defense and the Administrator of GSA would be required to "confer with and ask the guidance of" the Director of FEMA before such property is transferred to the State and local level. The bill contains provisions to ensure that effective consultations with FEMA take place by authorizing the Director to report to Congress "whenever the Secretary (of DOD) or the Administrator (of GSA) have refused to accept" the Director's recommendations concerning available surplus personal property.

The Emergency Services Improvement Act of 1982 is designed to help ensure, in a cost-effective manner, that local emergency preparedness, firefighting and civil defense agencies are provided with the necessary resources they need to protect their communities against natural and man-made disasters. Local emergency services organizations, especially volunteer firefighting organizations, rescue squads and sheriffs offices, are usually unable to spend the time or money necessary to screen available surplus federal equipment and may lack the paid manpower needed to participate effectively in existing federal property programs. S. 2625 will heighten federal attention to the needs of local emergency preparedness organizations and provide these organizations with better access to available federal surplus trucks, generators, fire and hose and other equipment.

General Background

S. 2625 deals with personal property (equipment and supplies) that federal agencies no longer need for their own use. This does not include excess property (which one federal agency no longer needs but another agency may) but does include surplus property (which no federal agency needs). The distinction is fundamental, since the Federal Property Act and other legislation, as well as regulations, treat the two types differently.

Section 3 of the Federal Property and Administrative Services Act of 1949 defines excess property as "any property under the control of any federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof."

The term "surplus property" is defined as "any excess property not required for the needs and the discharge of the responsibilities of all federal agencies, as determined by the Administrator (of General Services)."

Excess property and surplus property are in separate stages of the disposal process. Property cannot be declared surplus until it has been declared excess and screened then for further federal utilization.

The 1949 Act expressly promotes utilization of excess property by federal agencies "in order to minimize expenditures for property." The

Act provides that personal property once declared surplus may be donated for educational, public health, civil defense, and certain other purposes. Property remaining after donation is generally sold through public advertising.

Congress had recognized very early that, if surplus property were sold, the average rate of return against original government acquisition costs would be low and would not match the benefits from donating the property for special local users of a public character. The Surplus Property Act of 1944 authorized the transfer of surplus property to State and local entities for educational or public health use. The means of transfer was by sale or lease, but subject to a public benefit discount which might be as much as 100 percent.

Important amendments were added to the program in 1955. They were to clarify the availability of certain surplus property capitalized in working capital funds, to fix controls and reduce administrative costs, to provide for closer federal and state cooperation, and to set out certain reporting requirements.

In 1956 the Federal Property Act was amended to make local civil defense activity an eligible purpose under the donation program. It was also that 1956 amendment which imposed a federal requirement that surplus property be transferred to the state agency designated under state law for distributing surplus property. In compliance with this requirement, such agencies were set up in all states.

The 1949 Act requires that general administration of the federal donation program and actual donation of property be the responsibility of the Administrator of General Services. Local management activity, however, is performed by the State surplus property agencies referred to above.

About 15 years ago, the donation of surplus personal property ceased to be the sole method whereby property unneeded by federal agencies for their own use could be distributed to non-federal users. Agencies began to adopt the practice of lending property to State and local organizations which held grants from those agencies. This method involved taking property before it was declared surplus and while still classified as excess. An agency planning to turn property over to one of its grantees picked up property as soon as it had been declared excess by the original controlling agency. A series of administrative decisions and intepretations supported this as a permissible type of further federal utilization of excess property, even though such property was not taken for direct or internal use of the acquiring federal agency. In 1965, GSA published a Federal Property Management Regulation stating that the "use of excess personal property shall be considered by federal agencies in their cost-reimbursement type contracts and grants which are made pursuant to programs established by law and for which funds are appropriated by the Congress."

When an agency obtained excess property to provide it to one of its grantees, it participated in the first phase of screening and was therefore able to obtain desirable items before they were declared surplus property. Yet most of such grantees were either public or private educational or public health institutions which would qualify to obtain property outright under the statutory donation program had it been allowed to become surplus.

In 1976, amendments were made to the Federal Property and Administrative Services Act which substantially altered the administration of federal property programs. The amendments (Public Law 94–519) made two fundamental changes in the 1949 Act which have proven to have seriously affected local emergency services organizations.

First, Public Law 94–519 eliminated the categories of national priority which had previously been established for surplus federal personal property. Prior to the effective date of the 1976 amendments, only public and nonprofit tax exempt educational and public health institutions and civil defense organizations were eligible to acquire donable surplus personal property for purposes of education, public health and emergency services, or for research for such purposes. The amendments continued to list certain priorities to which equipment could be donated but it no longer specifically mentioned civil defense or emergency preparedness as priority categories to which property could be donated. Although the Senate report explaining the amendments states that the "enumeration of purposes (priorities) is not exclusive", the practical effect of not specifically including civil defense as a priority for federal donation programs has been a subtle downgrading of the importance and attention given to this function.

Second, the amendments contained in Public Law 94–519 abolished most federal loan programs for surplus personal property. As described earlier, many agencies had developed loan programs for the personal property under their control. These loan programs enabled the agencies to direct their property to recipients of their own choosing with whose needs they were familiar.

The predecessor agency to FEMA, the Defense Civil Preparedness Agency (DCPA), was one of the agencies which operated such a program. The agency was a part of the Department of Defense and provided excess property to State and local civil defense organizations under its Contributions Project Loan Program. Since DCPA was a part of DOD, it could readily acquire excess Defense Department property and loan it directly to State and local organizations.

With the passage of Public Law 94–519, all loan programs for surplus federal personal property, except to certain grantees, were ended. While this change was designed to reduce certain abuses which occurred in federal property programs, it also had the effect of dramatically reducing the amount of federal surplus equipment available to emergency service and volunteer firefighting groups at the local level. These organizations had made extensive use of these loan programs in part because many of them are volunteer based and cannot afford to buy new equipment and tools. The elimination of the loan programs operated by DCPA came as a severe blow to local emergency preparedness organizations.

One other change in federal law, not related to the 1949 Act or the amendments contained in Public Law 94–519, compounded the access problems of local emergency service organizations. The Defense Civil Preparedness Agency was abolished and replaced by the independent Federal Emergency Management Agency in 1979. FEMA was created through a reorganization plan submitted by President Carter and while the intent of the reorganization, to pull together the many

diverse federal emergency services functions in one agency, was laudable, it too had the effect of reducing the availability of surplus equipment to volunteer firefighters and others at the local level.

The effects of Public Law 94–519 and the reorganization which created FEMA have made it much more difficult for local emergency services organizations to acquire the surplus equipment they need from the federal government. S. 2625 is designed to remedy this problem while at the same time leaving unaffected the basic structure and purpose of the amendments made to the 1949 Act by Public Law 94–519.

Need for the Legislation

S. 2625 would help address the needs of State and local emergency and disaster preparedness organizations for trucks, generators, firehoses, tools, and other emergency supplies. Currently, there are over one and one-half million volunteer firefighters, 28,000 fire companies, some 6,000 civil defense agencies, and countless local rescue squads providing services to their local communities in fighting fires, rescuing and treating hurt or trapped persons and planning for natural or man-made disasters. Many of these organizations are volunteer based and operate on funds raised from private sources. They do not have the time or the money to become knowledgable concerning federal property programs and have found themselves, over the past five years, less and less accessible to federal personal property declared as surplus.

Before 1977, many of these groups relied, to some degree, on their ability to obtain usable surplus equipment from the federal government to help them maintain and improve their services. Most often, the property they obtained was old and in a state of disrepair but they utilized their talents to restore the equipment to working order. In many cases, the trucks and generators they received were of Korean war vintage and their willingness and ability to devote considerable time and effort to revamp the aged federal equipment was commendable. The Committee received dozens of letters and photographs detailing how the equipment was being rebuilt and used from local disaster preparedness groups across the country.

The changes made in 1977 and 1979, as described earlier, greatly reduced the availabiilty of surplus federal personal property to State and local firefighting rescue and civil defense organizations. Civil defense organizations at the local level have operated for many years as coordinating groups for all disaster preparedness organizations in their efforts to acquire surplus personal property from the federal government. In 1976, before property disposal programs under DCPA were terminated, over $170 million worth of surplus equipment were sent through civil defense organizations to volunteer firefighting companies, sheriffs offices and rescue squads. Last year, only $30 million went to these same organizations. Many civil defense organizations have been unable to acquire equipment for disaster preparedness groups in their areas.

Testimony before the Civil Service, Post Office and General Services Subcommittee of this Committee concerning a prior version of S. 2625, revealed the need for changes in the 1949 Act to ensure greater access to available equipment for disaster preparedness and emergency serv-

ices organizations. As Wayne Ellingsworth, Director of the Sussex County, Delaware, Department of Emergency Preparednes said in support of the need for improved federal surplus equipment programs for emergency service organizations at the local level:

> Mr. Chairman, I would like to convey to you and this subcommittee an experience that I as a local director of an emergency preparedness agency had during the blizzard of 1979. The particular snowstorm dropped 26 inches of snow in 7 hours. Fire trucks, ambulances, police cars and snowplows were paralyzed and could not respond to any emergencies. Our State and county agencies are not equipped to handle such a large snowstorm. Being a mideastern State, heavy snowstorms are unusual in our area; therefore, it is uneconomical for our governments to purchase heavy snow removal equipment to accommodate a snowstorm that might occur every 20 years.
>
> Fortunately, we had obtained, through a previously administered Federal excess equipment loan program, 41 three-quarter ton, four-wheel drive vehicles. These vehicles were assigned to emergency agencies located in every geographical area of Sussex County for utilization in an emergency. The 41 four-wheel drive vehicles, driven by firemen, policemen and ambulance personnel were the only vehicles that could respond to medical and other emergencies until the Delaware National Guard arrived in our county. Even then, these vehicles continued to transport patients, supplies, and emergency personnel to all points around Sussex County. It was impressive to see how well this equipment operated.
>
> I am happy to report to you that not one life was lost to this blizzard, even though 13,000 families were without electricity for between 2 to 4 days, hundreds of motorists were stranded on our highways in their cars, and hundreds of people experienced medical difficulties.
>
> Most of our success in saving lives during this blizzard was attributed to those 41 four-wheel drive vehicles that my department had acquired through the excess equipment program then administered by the Defense Civil Preparedness Agency.

Mr. Ellingsworth went on to point out that all of the federal equipment donated to local volunteer fire companies, sheriffs offices and rescue squads was maintained at the expense of the organization receiving the property. In addition, most of these organizations spend their own funds to restore equipment to working order once it is received from the federal government.

W. H. DuBose, Director of the Macon-Bibb County Civil Defense unit in Macon, Georgia, described the need for S. 2625 and described as well how past surplus personal programs had worked:

> Since the creation of the Federal Emergency Management Agency, the local civil defense program across the Nation has lost one of its most beneficial financial assistance programs. While the Defense Civil Preparedness Agency, DCPA, was a part of the Department of Defense, certain items—generators,

water tankers, water pumps, vehicles, et cetera—excess to the needs of the Department of Defense could be made available for loan to local governments for use by their civil defense agencies. This was accomplished by the execution of a 5-year loan agreements between local government and the Defense Civil Preparedness Agency.

The property loaned under this provision was subject to recall by the Defense Department in the event of a national emergency or other situations requiring its use. Local government was required under the loan agreement to maintain the equipment in a state of readiness where it could be rapidly deployed by the Federal Government, if needed. It was also required that a Federal excess property identification sticker 8 inches in height be affixed to each piece of equipment.

This program was initiated to offset a shortage of Federal matching funds badly needed to purchase rescue and other lifesaving equipment at the local level. Additionally, the equipment provided hundreds of local governments, particularly the small incorporated areas and sparsely populated counties, an opportunity to obtain the needed equipment for lifesaving purposes that they could not have afforded if they were required to purchase the equipment outright. Many thousands of dollars worth of Federal equipment, originally purchased by taxpayers' funds, has been loaned to local governments to provide a needed emergency service for the taxpayers and producing the following results:

One, useful life of the equipment has been extended without additional cost to taxpayers.

Two, a tremendous saving on the part of the Federal, State, and local governments has been realized due to the fact that new equipment did not have to be purchased with local and Federal funds.

Three, important equipment needs of local government were met which probably would not have been possible due to shortage of local and Federal funds.

Four, the Federal Government actually returned to the taxpayers a part of their tax dollars in the form of useful equipment.

Five, hundreds of small communities were able to obtain valuable equipment for lifesaving programs that would not otherwise have been available to that political subdivision.

Failure to continue a program of this nature will seriously affect the response capability of political subdivisions during natural, manmade or hostile attacks upon this country.

Mr. DuBose offered several specific examples in his county that show how federal surplus equipment is used at the local level.

A 2½ ton excess military truck is used by this Department as a supply truck. This vehicle is loaded with 200 blankets, 100 stretchers, first aid supplies, and various other items that may be needed in the event of a large disaster.

A fire at a high-rise apartment complex for the elderly necessitated evacuation of all occupants to the ballroom of a large hotel in Macon. Litters and blankets were used as beds until other arrangements were completed.

During the record heat wave in the summer of 1980, with temperatures of 108 degrees for several days, these litters and blankets were transported by this vehicle to the Macon Coliseum where a shelter had been set up for people with no air conditioning or improper ventilation.

The excess military truck with an excess generator mounted on it is used almost weekly by this Department to assist local law enforcement agencies, fire departments, public works et cetera, for lighting. This vehicle provides lighting at fire scenes, vehicle accidents, woods or swamp searches for lost or missing persons, and areas damaged by floods, tornadoes, high winds, et cetera.

It is clear from these examples, and the many others contained in dozens of letters the Committee has received, that the need for adequate access to available federal surplus personal property is great. It is equally clear to the Committee that S. 2625 represents a cost-effective means of improving the access of local emergency services organizations to available federal equipment without sacrificing the purposes of the amendments made in 1976 by Public Law 94–519.

Section-by-Section Analysis

Section 1 of S. 2625 amends section 484 (j) of the Federal Property and Administrative Services Act of 1949 to establish civil defense as a priority for the donation of surplus property in the Department of Defense. Currently, that section authorizes the Secretary of Defense to allocate surplus personal property under the control of the Department of Defense for donation to educational authorities of special interest to the armed services, such as military, naval, Air Force or Coast Guard preparatory schools. This section would require the Secretary to consider military educational needs and the civil defense requirements of the States and localities across the nation before transferring surplus Defense Department property to GSA for disposal.

This section is not intended, in any way, to signal either support or opposition to the Administration's new program of improvements in the nation's civil defense over the next few years. The Committee is intending, through the provisions of Secton 1, to assist local disaster preparedness and emergency services organizations at the State and local levels. The term "civil defense" was chosen for the legislation for two reasons.

First, local civil defense organizations have acted for many years as the "go betweens" with respect to federal surplus equipment programs. They have, in the past, screened, identified and attempted to acquire available federal equipment for use in disaster preparedness programs. The equipment was often donated or loaned to local volunteer firefighting companies, rescue squads and sheriffs offices for use in local emergencies of all kinds. The Committee expects this relationship to continue and believes that available federal equipment will continue to reach local emergency services organizations through their civil

defense units. The Committee is especially concerned that the access of volunteer fire companies to available federal equipment be enhanced.

Second, "civil defense" is a recognized function at the federal level identified and defined already in such places as the Civil Defense Act of 1950. Thus, the Committee amendment builds on existing law and on existing relationships concerning disaster preparedness at the local level. The term refers to many functions connected with civil defense functions such as fire protection, rescue and medical treatment services, emergency evacuation for flooding and other natural occurences and other related emergency services functions.

Section 1 also contains provisions, in subsection (B), requiring the Director of FEMA to "continuously review available property under the control of the Department of Defense" in order to identify property suitable for local emergency services programs. The Committee does not intend that this provision creates the need for any additional staff or resources and firmly believes that FEMA can redirect its resources to meet the requirements of this provision.

In the Committee's view, this provision could be implemented by FEMA through the agency's active encouragement of a network of emergency services organizations and civil defense groups at the State and local level which would advise FEMA on the needs of the emergency preparedness community and make recommendations concerning specific equipment which may be identified by the local organizations. In addition, FEMA should develop a strong partnership with officials in the Defense Department in order to effectively implement the requirements of this provision.

The Secretary of Defense is required, under the provisions of Section 1, to "confer with and ask the guidance of" the Director of FEMA in determining which property should be sent to GSA for disposal and which would make ideal property for emergency preparedness and civil defense needs at the local level. The Committee expects the Secretary to work closely with the Director of FEMA to ensure that the needs of State and local emergency preparedness organizations are carefully considered in donating surplus equipment under the control of the Defense Department. The language inserted by the Committee concerning the advisory role of FEMA in the donation process was designed to be strong to indicate the importance the Committee attaches to the legislative requirements of S. 2625 and to establish the important role of FEMA in assessing the needs of State and local organizations.

Property identified by DOD for transfer to State and local civil defense organizations would be sent through normal GSA property disposal channels under the bill as reported. Section 1 simply requires the property to be sent to State and local civil defense organizations to be used for civil defense and emergency preparedness purposes rather than for other purposes as would be the case with property not identified as usable and needed by civil defense organizations. Property could be identified by DOD for transfer to a specific State or local civil defense organization or more generally for use by any State or local emergency preparedness group. In either case, FEMA's recommendations as to whom the property should be transferred are to be heavily relied on and FEMA, in making such recommendations, should be as fair and equitable in deciding among competing State and local groups as possible.

Subsection (C) of Section 1 requires FEMA to notify the Congress whenever the Secretary declines to accept a recommendation from the Director concerning the transfer of surplus equipment. FEMA should perform this duty in as simple a manner as possible. Long reports from the agency are not required. An annual report summarizing activity under this section and consolidating in one report all of FEMA's notices for the preceding year concerning DOD's acceptance of FEMA recommendations under S. 2625 should also be submitted to assist the Congress in judging the effectiveness of the relationship between FEMA and DOD. Such a report would also help Congress determine whether DOD is failing to establish civil defense as a high priority for the donation of the department's property.

Section 2 of the bill amends the Civil Defense Act of 1950. The requirements of the section are virtually identical to those of Section 1 except that the provisions of Section 2 apply only to the civil agencies. In addition, Section 2 does not amend the law to establish civil defense as a priority category for the donation of federal equipment since the Civil Defense Act itself establishes civil defense as such a priority. In addition, the provisions of Section 2 make it clear that Congress views federal surplus equipment donation programs for civil defense purposes as an important priority.

Evaluation of Regulatory Impact

Paragraph 11(b)(1) of Rule XXVI requires each report accompanying a bill to evaluate "the regulatory impact which would be incurred in carrying out the bill."

S. 2625 does not authorize any additional regulations of activities in the private sector, impose any new record-keeping or reporting requirements on any segment of the public, or abolish any existing regulations. Regulations for internal agency guidance may be required but these should not affect the public in any way.

Estimated Cost of the Legislation

Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed the cost implications of S. 2625, as amended. The following is CBO's estimate of the potential costs of this legislation:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., June 30, 1982.

Hon. William V. Roth, Jr.
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 2625, the Emergency Services Improvement Act of 1982, as ordered reported by the Senate Committee on Governmental Affairs, June 17, 1982.

This bill will require the Federal Emergency Management Agency (FEMA) to review surplus personal property under the control of the Department of Defense (DOD) and notify the Secretary of Defense

whenever property appropriate for civil defense purposes is identified. If the Secretary determines that the property is usable and necessary for civil defense purposes, he is to allocate it for transfer by the General Services Administration (GSA) to the appropriate state agency for distribution, through donation, to that activity. The bill also requires the Administrator of GSA to notify FEMA of all surplus property controlled by civilian agencies, and based on FEMA's recommendations, to transfer the property to the appropriate state agency for distribution to civil defense organizations.

The principal costs associated with this bill will be administrative costs incurred by FEMA. Because FEMA has considerable discretion in determining how it will implement its role in the activities required by the bill, it is difficult to precisely estimate the likely costs. If FEMA's activities require one work year in each of its ten regional offices and two work years for central activities (including data processing), the cost will be approximately $550,000 in fiscal year 1983, with increases in subsequent years. Costs could be somewhat higher or lower depending on the amount of effort FEMA devotes to this activity.

Additional administrative costs may be incurred by other agencies but will not be significant. If this bill results in an increase in the donation of surplus property, there may be a reduction in receipts to the Treasury because less property will be available for sale to the public. Any reduction in receipts is not expected to be significant, however, because local governments are already eligible to receive this property under an existing donation program.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

ROLLCALL VOTES IN COMMITTEE

In compliance with paragraph 7(c) of rule XXVI of the Standing Rules of the Senate, the rollcall vote taken during committee consideration is as follows: 11 yeas; 0 nays

YEAS	NAYS
Senator Danforth	
Senator Cohen	
Senator Durenberger	
Senator Mattingly	
Senator Rudman	
Senator Schmitt	
Senator Chiles	
Senator Glenn	
Senator Pryor	
Senator Levin	
Senator Roth	
Senator Stevens (proxy) [1]	
Senator Sasser (proxy) [1]	

[1] Committee rules provide that on final passage, proxies may be allowed solely for the purpose of recording a member's position on the pending question.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is printed in roman):

UNITED STATES CODE

Title 40—Public Buildings, Property, and Works

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Chapter 10—Management and Disposal

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Section 484. Disposal of surplus property

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(j)(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer, without cost (except for costs of care and handling), any personal property under the control of any executive agency which has been determined to be surplus property to the State agency in each State designated under State law as the agency responsible for the fair and equitable distribution, through donation, of all property transferred in accordance with the provisions of paragraphs (2) and (3) of this subsection. In determining whether the property is to be transferred for donation under this subsection, no distinction shall be made between property capitalized in a working-capital fund established under section 2208 of Title 10, or any similar fund, and any other property.

[(2) In the case of surplus personal property under the control of the Department of Defense, the Secretary of Defense shall determine whether such property is usable and necessary for educational activities which are of special interest to the armed services, such as maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools. If the Secretary determines that such property is usable and necessary for said purposes, the Secretary shall allocate it for transfer by the Administrator to the appropriate State agency for distribution, through donation, to such educational activities. If the Secretary determines that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph (3) of this subsection.]

(2)(A) In the case of surplus personal property under the control of the Department of Defense, the Secretary of Defense shall determine whether such property is usable and necessary for the civil defense needs of the United States or for educational activities which are of special interest to the armed services, such as maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools. If the Secretary determines that such property is usable and necessary for said purposes, the Secretary shall allocate it for transfer by the Administrator to the appropriate State agency for distribution,

through donation, to such activities. If the Secretary determines that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph (3) of this subsection.

(B) Before making any determination concerning the property described in paragraph (2)(A), the Secretary shall confer with and ask the guidance of the Director of the Federal Emergency Management Agency. The Director shall continuously review the available property under the control of the Department of Defense and shall immediately notify the Secretary whenever he has identified property appropriate for civil defense purposes.

(C) The Director shall notify the Congress whenever the Secretary has refused to accept his recommendation to allocate property to the Administrator of the General Services Administration as provided under subsection (2)(A).

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FEDERAL CIVIL DEFENSE ACT OF 1950

(64 Stat. 1245; 50 U.S.C. App. 2251–2297)

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(Change in Table of Contents)

SEC. 207.* * *
SEC. 208. Transfer of property to State and local governments.

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TITLE II—POWERS AND DUTIES

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SEC. 206. Notwithstanding any other provision of this Act, funds appropriated to carry out this Act may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this Act for such purposes.

SEC. 207. Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to, natural disasters to the extent that the use of such funds for such purposes is consistent with, contributes to, and does not detract from attack-related civil defense preparedness. The Administrator shall prescribe regulations to carry out the preceding sentence. Such regulations shall authorize the use for natural disaster purposes of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act if such personnel, materials, and facilities are utilized, as determined by the Administrator, in a manner that is consistent with, contributes to, and does not detract from attack-relaed civil defense preparedness. Regulations prescribed under this subsection shall provide terms and conditions authorizing such use to the greatest extent consistent with the purposes of this Act as expressed in section 2.

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TRANSFER OF PROPERTY TO STATE AND LOCAL GOVERNMENTS

SEC. 208. (a) Upon notification of the Administrator of General Services in accordance with the Federal Property and Administrative Services Act of 1949 by any agency other than a department or organization within the Department of Defense that such agency has surplus property under its control, the Director shall be notified by the Administrator of General Services of the availability of such surplus property. Before transferring or allocating any such property, the Administrator shall consult with and ask the guidance of the Director of the Federal Emergency Management Agency concerning which such property would be suitable for civil defense purposes. The Administrator shall carefully and completely consider the recommendations of the Director and, based on such recommendations, shall transfer property to the appropriate State agency for distribution to the civil defense organizations identified by the Director.

"(b) The Director shall notify the Congress whenever the Administrator has refused to accept his recommendations to transfer property identified by the Director as provided in section 208(a).".

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